

CASCADE COUNTY COMMISSION MEETING
December 12, 2017
COMMISSION CHAMBERS
COURTHOUSE ANNEX, ROOM 111
9:30 A.M.

COMMISSION MINUTES
JOURNAL # 57

Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at cascadecountymt.gov and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). These were officially approved on December 26, 2017.

Commission: Chairman Jim Larson, Commissioner Jane Weber (Excused), and Commissioner Joe Briggs.

Staff: Carey Ann Haight – County Attorney’s Office, Alex Dachs – Planning Division, Sandor Hopkins – Planning Division, Scott Van Dyken – Sherriff’s Office, Bob Rosipal – Sherriff’s Office, Kim Hulten – Aging Services, Bonnie Fogerty – Board of Commissioners, and Frank Warren – Clerk and Recorder’s.

Public: Traci Rosenbaum – Great Falls Tribune, Mike Kleinsasser, John Wiff, Linda Brodock, Matt Antonich, Dan Vukovich, Brenda Byrnes, Erin Furr, Kevin May, Jolene Schalper, Louie Hermiller, William Zucconi, Tim Wilkinson, and Jen Rowell.

Purchase orders and accounts payable checks: Commissioner Briggs made a **MOTION** to approve invoices and accounts payable checks. *See agenda for payment information. Motion carries 2-0*

Reading of the Commissioners’ calendar: Bonnie Fogerty read the calendar.

Consent agenda: Routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent Agenda for separate discussion/vote.

Approval of the Minutes and Consent Agenda Items: Commissioner Briggs made a **MOTION** to (A) Approve minute entries for November 28th, 2017, and December 6th, 2017. (B) Approval of Routine Contracts as Follows:

Consent Agenda

- ♦ **Contract 17-200:** MT DPHHS Contract #20143PARA0001 Modification, Project Title: PARALEGAL SERVICES. Effective Date extended to June 30, 2018. Total Reimbursement not to exceed: \$37,790.38 (Ref: Contract 16-90, R0323915) **R0348938**
- ♦ **Contract 17-201:** CenturyLink Total Advantage Express Amendment - Three-year contract - Long distance rates are to be reduced from \$.06 to \$.04 per minute, and access line charges from \$2.45 to \$.90 per line. The effective date will be date last party signs the amendment.
- ♦ **Contract 17-202:** MT DPHHS Contract #18027210050 for the Commodity Supplemental Food Program. Effective: October 1, 2017 - September 30, 2018. Caseload: 765 @ \$3.00 per client per month.

- ◆ **Contract 17-203:** CenturyLink Volume Plan (CLVP) - Three-year contract - The cost of each POTS line is to be reduced from \$ 32.00 per month to \$ 24.99 per month when maintaining 10 POTS lines. The effective date is the date of the first service order to add (CLVP) to account.

Motion carries 2-0

AGENDA ITEM #1

Public Hearing:

Montana Eggs, LLC. Application for a new or expanding industry classification to provide potential tax abatements for the expansion of the egg processing facility.

Recess the Commission Meeting:

Chairman Larson recessed the Commission Meeting at 9:37 a.m.

Public Hearing:

Chairman Larson opened the public hearing at 9:37 a.m.

Reading of the Public Notice:

The reading of the public notice was waived without objections and made part of the public record (see exhibit "A").

Staff Presentation: Carey Ann Haight, Cascade County Chief Civil Deputy, presented this item by reading the synopsis which can be found within Action Agenda Report # 1 dated December 12, 2017.

Call for Applicant:

Chairman Larson called for the Applicant.

Dan Lukovich of Anderson Zurmuehlen - 121 23rd Avenue SW - Great Falls, MT, Spoke on applicants behalf and outlined the project specifics. Montana Eggs has a 20-year business history within Cascade County. This company also has a history of investing in the county. In 2011, the company invested 3.6M into expanding a plant on Stuckey Road. Over the years Montana Eggs has looked into continual expansion, and in May 2016 they purchased a lot on 38th Street – Northstar Park for said expansion. Construction was started and the new processing/egg grading center was built and was finished in September 2017. The investment that Montana Eggs made into this new facility was 7M into the building and \$2.5M into the eggplant itself. The projection is that the new facility will result in an additional 24 employees hired and that once fully operational there will be a payroll coming in at about 1.2 M. There was a question, at a City Commission Meeting, on how many of those new jobs would be for Hutterite Colony members. The answer is none. The colonies have no one working at the eggplant, as they are simply a supplier of eggs. The eggplant is operated by Wilcox Farms out of Washington, and any existing/new employees of the eggplant would be residents of Cascade County. The new plant would double the number of eggs being processed. That processing number could go up to 23,000,800 dozen eggs per year, and about 70% of the eggs are shipped out of state.

Chairman Larson questioned how many colonies are owners of this company.

Dan Lukovich responded that would be thirty colonies from across the state.

Chairman Larson inquired why Montana Eggs, LLC did not request this abatement before building the facility, as it is difficult for him to understand a company that is up and running, with a revenue stream, asking for a tax abatement.

Dan Lukovich advised that from the perspective of Montana Eggs they were out there to do it on their own, aside from some financial assistance from Great Falls Development Authority. They realize they are asking, for abatement, after project completion but the thought process was they wanted to present a realized project.

Commissioner Briggs communicated that the process of filing for tax abatement has been a point of confusion, due to the original legislative intent being that the request was done up front so it would be an incentive for businesses to move forward. However, the Department of Revenue has been advising that filing is done after the building is complete so that they had a dollar amount. It is Commissioner Briggs preference that they come forward in advance so that County can better project. It was noted there is no hard and fast law regarding this.

Dan Lukovich added that there are three colonies, within Cascade County, that are participating in Montana Eggs.

Chairman Larson asked what the benefit, to Cascade County, would be as far as this tax abatement. If there are any other egg producers, besides the Hutterites, can they bring their eggs to this facility?

Dan Lukovich elaborated that if egg producers join Montana Eggs, in the LLC, they would be permitted to looking into joining the organization and bring eggs to the facility. Strict criteria would need to be met, for that to occur. An example being the distribution stream consists of free-range eggs.

Chairman Larson inquired as to whether the facility on Stuckey Road consists of penned chickens or are they free-range?

Mike Kleinsasser of 600 Kingsbury Colony Road- Valier, MT clarified that the new facility consists of free-range & penned chickens. They are phasing out of the penned chickens to be exclusively free-range. This is most likely a two to three-year transition. The penned and free-range chickens are being separated and the facility is USDA inspected. The barns are also being inspected, typically twice a year, to ensure they are USDA compliant. New penned eggs are not accepted by the facility. The plan is to be exclusive to free-range eggs. Any new egg producers would need to meet strict criteria and come before the board to be considered.

Call for Proponents:

Chairman Larson called for Proponents.

Jolene Schalper of 300 Central Avenue - Suite 406 - Great Falls, MT shared that this is one of the times where GFDA views a tax abatement as being perfect. This will be adding to the long-term tax base within Cascade County. The wages, within Montana Eggs facility, are coming in at approximately \$5.00 over minimum wage. There are great jobs for Cascade County residents. It is the hope of GFDA that this abatement sparks further expansion, an example being moving into additional egg products. Joeline also wanted to point out the upgrades to the barns, as it is her understanding that Montana Eggs has spent over 2M per barn on upgrades. She wanted to point out how this translates to the required materials being purchased from North-Central Montana suppliers. GFDA also prefers that applications, for tax abatement, are filed in advance.

Call for Opponents:

Chairman Larson called for Opponents three times to which there were none.

Informational Witnesses:

Chairman Larson called for informational witnesses in which there were no further comments.

Call for Written Testimony:

Chairman Larson called for written testimony in which there were no further comments.

Close to Public Hearing:

Chairman Larson closed the Public Hearing at 10:01 a.m.

Reopen the Commission Meeting:

Chairman Larson opened the Commission Meeting at 10:01 a.m.

Motion to Approve or Disapprove:

Resolution 17-113: A tax benefit for a new or expanding industry - Montana Eggs, LLC.
(Ref: resolution 17-103, R0347236) **R0348936**

Commissioner Briggs made a **MOTION** to approve **Resolution 17-113** granting the application for a tax benefit for a new or expanding industry - Montana Eggs, LLC.

Chairman Larson communicated he was **AGAINST** granting the application for a tax benefit for a new or expanding industry - Montana Eggs, LLC. The main point, for this decision, being that the abatement request was not made prior to expanding the facility. Also, it is Chairman Larson's opinion this may not necessarily be a business that needs a tax abatement.

Dan Lukovich wished to go on record that all criteria had been met to file for tax abatement, regardless of it being filed after the fact, and wants to ask what type of message this sends to other businesses who want to see that the County is interested in similar types of expansions.

Jolene Schalper reiterated that she is a firm proponent as there are benefits to Cascade County, due to the expansion, as Montana Eggs would need to convert more of their barns to be free-range compliant. Also, the employee count is anticipated to go from the current 18 to 24. In order for projects/cash flow to work, the abatement would be required to speed up the process.

Failed Motion due to split vote

AGENDA ITEM #2

Public Hearing:

Abandon that portion of 'A' Street lying between lots 9 & 13, from 5th Street S, bearing S50°40'00"W 140 feet with a width of 60 feet, to the Southwesterly line of Castner 4th Addition. A platted right-of-way within the subdivision known as Castner 4th Addition to the Town Belt. Section 26, Township 19 N, Range 06 E P.M.M., Cascade County.

Initiated by: Matt and Bonnie Antonich

Recess the Commission Meeting:

Chairman Larson recessed the Commission Meeting at 10:09 a.m.

Public Hearing:

Chairman Larson opened the public hearing at 10:09 a.m.

Reading of the Public Notice:

The reading of the public notice was waived without objections and made part of the public record (see exhibit "B").

Staff Presentation: Alex Dachs, Cascade County Senior Planner, presented this item by reading the synopsis which can be found within Action Agenda Report # 2 dated December 12, 2017.

Call for Applicant:

Chairman Larson called for the Applicant.

Matt Antonich of PO Box 321 – Belt, MT communicated that the subdivision had no corner markers, and once they purchased the adjoining property they discovered they have

two garages built on the 60-foot right-of-way. The right-of-way does not go through but instead is flush up against his property. The goal is to get the corner markers in the correct places and not have to tear down a building. The neighbors are all happy with this abandonment proposal.

Call for Proponents:

Chairman Larson called for Proponents three times in which there were none.

Call for Opponents:

Chairman Larson called for Opponents three times in which there were none.

Informational Witnesses:

Chairman Larson called for informational witnesses in which there were no further comments.

Call for Written Testimony:

Chairman Larson called for written testimony in which there were no further comments.

Close of Public Hearing:

Chairman Larson closed the Public Hearing at 10:16 a.m.

Reopen the Commission Meeting:

Chairman Larson opened the Commission Meeting at 10:16 a.m.

Motion to Approve or Disapprove:

Resolution 17-111: Abandon that portion of 'A' Street lying between lots 9 & 13, from 5th Street S, bearing S50°40'00"W 140 feet with a width of 60 feet, to the Southwesterly line of Castner 4th Addition. A platted right-of-way within the subdivision known as Castner 4th Addition to the Town Belt. Section 26, Township 19 N, Range 06 E P.M.M. **R0348934**

Commissioner Briggs made a **MOTION** to approve Resolution 17-111 to abandon that portion of 'A' Street lying between lots 9 & 13, from 5th Street S, bearing S50°40'00"W 140 feet with a width of 60 feet, to the Southwesterly line of Castner 4th Addition. A platted right-of-way within the subdivision known as Castner 4th Addition to the Town Belt. Section 26, Township 19 N, Range 06 E P.M.M.

Motion carries 2-0

AGENDA ITEM #3

Motion to Approve or Disapprove:

Preliminary Plat: Painted Horse Minor Subdivision.

Location: South ½ of Section 31, Township 21 N, Range 3 E P.M.M., Cascade County, Montana.

Initiated by: Ron Lipke/Painted Horse Stables, LLC

Staff Presentation: Alex Dachs, Cascade County Senior Planner, presented this item by reading the synopsis which can be found within Action Agenda Report # 3 dated December 12, 2017.

Chairman Larson inquired as to whether there were any written plans to address the weed control issue.

Alex Dachs communicated that Josh Blystone has been on the property and as part of his work he will conduct a weed assessment. It will be followed up on to ensure that owners are compliant with following any recommended plan on weed control.

Commissioner Briggs made a **MOTION** to approve Preliminary Plat: Painted Horse Minor Subdivision.

Location: South ½ of Section 31, Township 21 N, Range 3 E P.M.M., Cascade County, Montana.

Motion carries 2-0

AGENDA ITEM #4

Public Hearing:

Rezone a portion of Parcel 2587000

Location: In the South ½ of Section 31, Township 21 N, Range 3 E from “I-1” Light Industrial to “OS” Open Space District. *Initiated by: Ron Lipke/Painted Horse Stables LLC*

Recess the Commission Meeting:

Chairman Larson recessed the Commission Meeting at 10:26 a.m.

Public Hearing:

Chairman Larson opened the public hearing at 10:26 a.m.

Reading of the Public Notice:

The reading of the public notice was waived without objections and made part of the public record (see exhibit “C”).

Staff Presentation: Alex Dachs, Cascade County Senior Planner, presented this item by reading the synopsis which can be found within Action Agenda Report # 4 dated December 12, 2017.

Call for Applicant:

Chairman Larson called for the Applicant to which there was no response.

Call for Proponents:

Chairman Larson called for Proponents three times in which there were none.

Call for Opponents:

Chairman Larson called for Opponents three times in which there were none.

Informational Witnesses:

Chairman Larson called for informational witnesses in which there were no further comments.

Call for Written Testimony:

Chairman Larson called for written testimony in which there were no further comments.

Close of Public Hearing:

Chairman Larson closed the Public Hearing at 10:35 a.m.

Reopen the Commission Meeting:

Chairman Larson opened the Commission Meeting at 10:35 a.m.

Motion to Approve or Disapprove:

Resolution 17-112: Rezone a portion of Parcel 2587000

Location: In the South ½ of Section 31, Township 21 N, Range 3 E from “I-1” Light Industrial to “OS” Open Space District. **R0348935**

Commissioner Briggs made a **MOTION** to approve Resolution 17-112 to rezone a portion of Parcel 2587000

Location: In the South ½ of Section 31, Township 21 N, Range 3 E from “I-1” Light Industrial to “OS” Open Space District.

Motion carries 2-0

AGENDA ITEM #5

Motion to Approve or Disapprove:

Final Subdivision: Plat of Phase VII (7), Spring Tree Ridge.

Location: In Section 28 & 33, Township 20 N, Range 3, P.M.M. Cascade County, Montana. *Initiated by: Timothy Wilkinson, Personal Representative of the Estate of Emma Wilkinson, Property Owners/Developers*

Staff Presentation: Alex Dachs, Cascade County Senior Planner, presented this item by reading the synopsis which can be found within Action Agenda Report # 5 dated December 12, 2017.

Tim Wilkinson 75 Spring Ridge Drive – Great Falls, MT confirmed this will be the final plat, until further subdivision, which is not in the foreseeable future.

Commissioner Briggs made a **MOTION** to approve Final Subdivision: Plat of Phase VII (7), Spring Tree Ridge.

Location: In Section 28 & 33, Township 20 N, Range 3, P.M.M. Cascade County, Montana.

Motion carries 2-0

AGENDA ITEM #6

Motion to Approve or Disapprove:

Big Bend Ranch Subdivision – Filing for a six-month extension of the final phases.

Location: Within the subdivision boundaries in the SW ¼ of Section 2, and N ½ of Section 11, Township 19 N, Range 3 E, P.M.M. Cascade County, Montana.

Initiated by: Tim Wilkinson, Developer/ Big Bend LLC

Staff Presentation: Alex Dachs, Cascade County Senior Planner, presented this item by reading the synopsis which can be found within Action Agenda Report # 6 dated December 12, 2017.

Tim Wilkinson 75 Spring Ridge Drive – Great Falls, MT detailed that work was being done on final plat that is due by the end of 2017 and the surveyor discovered a 1925 county road easement that was touching one of the lots. It had been previously missed, which is the reasoning for asking for a 6-month extension to file the final plat. The plan is to petition the county, within the next 6 months, to abandon that county road easement.

Commissioner Briggs made a **MOTION** to approve Big Bend Ranch Subdivision – Filing for a six-month extension of the final phases.

Location: Within the subdivision boundaries in the SW ¼ of Section 2, and N ½ of Section 11, Township 19 N, Range 3 E, P.M.M. Cascade County, Montana.

Motion carries 2-0

Public Participation in decisions of the Board and allowance of public comment on matters the Commission has jurisdiction, on items not covered by today's agenda. (MCA 2-3-103) NONE

Adjournment: Chairman Larson adjourned this Commission Meeting at 10:52 a.m.